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FOR IMMEDIATE RELEASE

Arizona Supreme Court Upholds Dismissal of Tuition Challenge

(Phoenix, Ariz. – Aug. 9, 2007) The Arizona Supreme Court today upheld a lower court's ruling dismissing a challenge to the Arizona Board of Regents' decision to increase university tuition in 2003.

In *Kromko v. Arizona Board of Regents (ABOR)*, four students sued ABOR for declaratory and injunctive relief, alleging that the tuition charged for the 2003-2004 academic year was excessive and violated the "as nearly free as possible" provision of the Arizona State Constitution.

The Arizona Supreme Court agreed with the Maricopa County Superior Court decision dismissing the case because the amount of tuition for a particular year is a political question that is not proper for the Courts to address.

"We are very pleased with this decision," said Attorney General Terry Goddard. "The Arizona Board of Regents must have the ability to set tuition that will help maintain excellent teaching and facilities at Arizona's three universities. The Court appropriately recognized that these important policy decisions are made by the Board of Regents, not the courts."

"The Arizona Board of Regents has always taken very seriously its responsibility to set tuition in accordance with constitutional requirements. This decision affirms our authority," said Arizona Board of Regents President Fred Boice. "Setting tuition is one of the most important decisions we make, and we will continue to follow processes that support our commitment to access, affordability and quality."

The students also challenged the Arizona State Legislature's appropriations for the State universities. In November 2006, the Arizona Court of Appeals affirmed the trial court's decision dismissing that part of the lawsuit, stating that the Legislature had legal immunity for this appropriation decision. But the Court of Appeals held that the complaint against ABOR should not have been dismissed.

Solicitor General Mary O'Grady and Assistant Attorney General Bruce Skolnik handled this case. A copy of the Arizona Supreme Court opinion is attached.

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